

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.486 of 2024

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Amitabh, Son of Nawal Kishore Kapri, Resident of Village- Baridariyapur,
P.S. and P.O. Jamalpur, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Nehru Path Bailey Road, Patna.
4. The Joint Secretary cum Examination Controller TRE I, Bihar Public Service Commission, Nehru Path Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mrs. Ritika Rani, Advocate Ms. Kanika, Advocate
For the Respondent/s	:	Dr. Mankeshwar Tiwari, AC to AAG- 3
For the BPSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-10-2025

Heard the parties.

2. The petitioner is one of the aspirant for the post of Senior Secondary Teacher in terms with Advertisement No. 26/2023 has approached this Court seeking a direction upon the respondents to include his name in the list of successful candidates published on 18.10.2023, issued under the signature of Examination Controller-cum-Joint Secretary in the subject of Botany for appointment to the post of Senior Secondary



Teacher. A prayer has also been made to disclose the cut off score fixed against the Backward Class Category in the subject of Botany and to consider his candidature for appointment.

3. Mr. Dinu Kumar, learned Advocate for the petitioner taking this Court through the relevant prescription of the Advertisement No. 26/2023 has submitted that admittedly total 2738 posts were published for appointment to the post of Senior Secondary Teachers in subject of Botany and the petitioner belongs to Backward Class category, for which total 215 posts were published. In terms with Clause 6 of the Advertisement, the minimum percentage was fixed for appearing candidates to secure in the written examination against the category of unreserved is 40%, for Backward Class category is 36.5%, for Extremely Backward Class is 34% and for Scheduled Caste, Scheduled Tribe, Unreserved female, Physically Disabled candidate is 32%. It was made clear that the candidates, who failed to obtain the minimum percentage as mentioned above in their respective categories will be considered out of selection process.

4. Referring to the corrigendum letter, the copy of which is marked as Annexure-P/5, it is further submitted that it was mandatory to obtain the qualifying marks provided the



same shall be relaxed to the extent required for sending recommendation up to 75% of the total vacancies or total candidates, whichever is less, in the interest of candidate. He further submits that the petitioner had secured 42 marks in Teachers recruitment examination, nonetheless the candidates, who secured less than 42 marks, they have been declared successful.

5. Referring to the final result, it is further contended that the final result also does not disclose under which category the candidates have been declared successful and in fact all of them have been shown to be selected against the unreserved category. The entire result is said to be not in consonance with the terms of the advertisement, which is required to be revisited.

6. On the other hand, learned Advocate for the Commission while refuting the submissions aforementioned has submitted that admittedly the petitioner had secured 42 marks, out of 120 marks, which comes to less than 35% and, as such, the petitioner has been declared not successful. It is further clarified that the petitioner was a candidate for the post of Senior Secondary Teacher for Class-XI and XII in the subject of Botany under Backward Class (05) under the captioned



advertisement however, he could not achieved the minimum qualifying marks, therefore, his case has not been considered. Referring to Clause 6 of the Advertisement, he further submits that according to the resolution contained in memo No. 2374 dated 16.07.2007 and letter no. 6706 dated 01.10.2008 of Personnel Administrative Reforms Department, Government of Bihar, it was mandatory for the candidate of Backward Class Category to obtain 36.5% in the written examination.

7. Drawing the attention to the merit list of the successful candidate (Annexure-8 to the writ petition) it is submitted that only the candidates of unreserved (01) category have been declared successful; Though, the Commission published the cut off marks in different categories on 25.10.2023 for different classes, including Class-XI and XII, under the captioned advertisement. The said cut off chart manifestly shows that apart from unreserved category, not a single candidate was available in other categories having minimum qualifying marks. Therefore, their results was not published, as they were not included in the merit list. It is also submitted that the cut off marks of unreserved category, as shown in the cut off chart is 39 for female candidate and for the female candidates of any category, the minimum qualifying



marks is 32 marks i.e. 38.4 marks out of 120 marks.

8. Having heard the learned Advocate for the respective parties and after going through the materials available on record, this Court finds that the facts are admitted to the extent that the petitioner obtained 42, out of 120 marks in Botany, which is less than the minimum qualifying marks of 43.8 for Backward Class category. The resolution contained in Memo No. 2374 dated 16.07.2007, as also letter no. 6706 dated 01.10.2008 mandatorily required for the candidate of Backward Class category to obtain 36.5% marks in the written examination.

9. The contention of the petitioner extending relaxation in the interest of candidate to the extent of recommendation of at least 75% of the total number of vacancies or number of candidates, whichever is less, according to the need, also does not find substance in view of the specific stand of the Commission that the aforesaid relaxation was not contemplated for subject wise vacancies, rather it was the total number of vacancies. Since the number of successful candidates recommended to the appointing authority is more than 75% of the total number of vacancies, therefore, the petitioner could not be allowed to take this plea. The Commission further clarified



the position that except the candidate under the unreserved category, not a single candidate was found available in other categories, who secured the minimum cut off qualifying marks, therefore, the result was not published under any other categories, except unreserved category.

10. The instances of alleged discrimination shown by the petitioner has also been duly answered and clarified by the Commission that for a female candidate of any category minimum qualifying marks was 32% i.e. 38.4 marks, out of 120 marks, hence the contention of the petitioner that he secured more marks than a female candidate, who got 39 marks would also not come to his rescue, as the petitioner belongs to Backward Class (male) category.

11. On all these counts, this Court does not find any merit in the present writ petition. Accordingly, the same stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2025
Transmission Date	NA

